IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

DSW, INC., et al.,

Plaintiffs,

vs.

Case No. 2:08-CV-455
JUDGE EDMUND A. SARGUS, JR.
Magistrate Judge Kemp

ZAPPOS.COM, INC., et al.,

Defendants.

ORDER

This matter is before the Court for consideration of Defendant Commission Junction, Inc.'s Motion to Dismiss Plaintiff's complaint under Civil Rule 12(b)(2) and 12(b)(6). (Doc. 24). On October 24, 2008, the Court denied Defendant Zappos.com, Inc.'s Motion to Dismiss, without prejudice, and granted Plaintiff DSW, Inc. and DSW Shoe Warehouse, Inc. leave to amend its complaint. (Doc. 36).

Plaintiff filed an Amended Complaint on November 7, 2008. (Doc. 37). The Amended Complaint contains additional allegations against both defendants. Accordingly, Commission Junction's Motion to Dismiss (doc. 24) is denied without prejudice as MOOT.

IT IS SO ORDERED.

12-8-2008
DATE

EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE